

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING COUNCIL CHAMBERS FEBRUARY 15, 2005 9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Vivian Rojas, and Anthony W. Cobos. Absent: None. Late arrival: Paul J. Escobar at 9:18 a.m. Meeting was called to order at 9:05 a.m. and the invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **NATIONAL GIRLS AND WOMEN IN SPORTS DAY**
2. **CHILDREN'S DENTAL HEALTH MONTH**

Representative Lozano introduced Mr. Luis Michael "Forrest Gump" Figueroa and explained Mr. Figueroa is walking across the country to promote National Association to Protect Children, protecting abused children.

Mr. Figueroa commented on the goal of National Association to Protect Children.

NO ACTION WAS TAKEN on the presentation from Parkland High School Students titled "Prevention of Under-age Drinking". [Mr. Lawrence Vanley]

Mr. Lawrence Vanley, Parkland High School teacher, spoke on "Protecting You, Protecting Me", a program supporting the prevention of underage drinking. He asked the Council Members to support the PAL and "Protecting You, Protecting Me" programs.

Parkland High School students gave a Powerpoint presentation (on file in the City Clerk's office) and commented.

Mayor Joe Wardy and Representatives Cook, Austin, and Cobos commented.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **DELETE** a presentation with discussion and approval of the tax freeze pursuant to Article VIII, Section 1-b (h) and Texas Tax Code Annotated, Section 11.261 (Vernon 2005). [J E Chavez Caldera]

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total Paid</u>
9600 Gaza Drive	\$7,539.70	-0-	\$7,539.70

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

R E S O L U T I O N

WHEREAS, the City desires to obtain the services of El Paso Regional Economic Development Corporation (REDCO) with respect to new business development and other matters related to economic development in the El Paso area; and

WHEREAS, REDCO is willing to provide such services and to provide recommendations to the City regarding economic development.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Consulting Agreement between the City and REDCO providing for services related to new business development, industry cluster targeting, and economic development marketing and promotion, as well as providing business prospects with information on the City's economic incentive policies and guidelines and making recommendations to the City as to what types of incentives would be appropriate for certain business efforts. Under the Agreement, which has a term ending December 31, 2005, the City will reimburse REDCO for the cost of appropriate benchmarking comparative research services provided in an amount not to exceed \$25,000.00.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

Mayor Joe Wardy and Representatives Austin and Cushing commented.

Motion made by Representative Ortega, seconded by Representative Cobos and unanimously carried to **APPROVE** the above Resolution.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

RESOLUTION

WHEREAS, new development in Downtown El Paso will serve to boost the tax base of the City directly and indirectly, and ultimately assist in relieving the tax burden of all citizens; and

WHEREAS, the Paso del Norte Group (PDNG) has engaged world-class planners to develop the Downtown Master Plan as an effective road map for successful Downtown revitalization; and

WHEREAS, on December 14, 2004, City Council adopted a Resolution appointing the City Manager "to negotiate with the appropriate parties to allow the City to fund and participate in the Paso del Norte's Master Plan"; and

WHEREAS, an Agreement has been negotiated with PDNG's affiliate, PDNG Foundation, to provide the terms under which PDNG will develop the Downtown Master Plan and the City will contribute to offset a portion of the costs of such Plan and monitor PDNG's performance in development of the Plan;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Agreement between the City and PDNG Foundation providing for the development by Paso del Norte Group of a Downtown Master Plan and the contribution by the City of an amount not to exceed \$250,000.00 to offset a portion of the costs of the development of the Plan, and that the Mayor be authorized to sign any related documents which might be necessary to accomplish such purpose.

Mayor Joe Wardy and Representatives Cook, Cobos, Ortega, Cushing, Austin and Escobar commented.

Ms. Joyce Wilson, City Manager, commented.

The following Paso Del Norte Group (PDNG) representatives commented:

1. Mr. Bill Sanders
2. Ms. Myrna J. Deckert, Chief Operating Officer

Mr. Sal Balcorta, Centro de Salud La Fe representative, commented.

Motion made by Representative Cobos, seconded by Representative Ortega and unanimously carried to **APPROVE** the above Resolution.

NOTE: Resolution was moved to the forefront and considered together with the next resolution.

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, contingent upon the completion of a federally mandated citizen participation process, the City of El Paso will commit \$50,000 in 30th Year (2004-2005) Community Development Block Grant funds to fund the Downtown Master Plan; and

That the Mayor, or the City Manager or designee, if otherwise authorized by City Council, be authorized to sign any agreements or related documents which might be necessary to accomplish such

purpose, upon approval of the City Attorney's Office and the Director of Community and Human Development.

Mayor Joe Wardy and Representatives Cobos and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Richard Schechter, citizen,
2. Ms. Lisa Turner, citizen

Motion made by Representative Cobos, seconded by Representative Ortega and unanimously carried to **APPROVE** the above Resolution.

NOTE: Resolution was moved to the forefront and considered together with the previous resolution.

.....
***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of EIGHT THOUSAND AND NO/100 DOLLARS (\$8,000.00, Grant Note – \$980.00, Loan Note - \$7,020.00), against the following described real property:

Lot 4, Block 14, RANCHLAND HILLS ADDITION, an a addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 1, Page 1, Plat Records of El Paso County, Texas, known as 7812 Parral

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Six Hundred Sixteen and 61/100 Dollars (\$616.61).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of THREE THOUSAND THREE HUNDRED FIFTY AND NO/100 DOLLARS (\$3,350.00, Grant Note – \$695.00, Loan Note - \$2,655.00), against the following described real property:

Tract 6, REPLAT OF TRACT 8 BOOTHVILLE SUBDIVISION, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 39, Page 13, Plat Records of El Paso County, Texas, known as 491 Link

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One Hundred Forty Five and 99/100 Dollars (\$145.99).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TEN THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$10,900.00, Grant Note – \$5,750.00, Loan Note - \$5,150.00), against the following described real property:

Lots 27 and 28, Block 5, GRANDVIEW ADDITION, an addition to the
City of El Paso, El Paso County, Texas, Texas, known as 3006 Porter

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Seventy Four and 82/100 Dollars (\$74.82).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FOURTEEN THOUSAND SEVEN HUNDRED SIXTY AND NO/100 DOLLARS (\$14,760.00, Grant Note – \$760.00, Loan Note - \$14,000.00), against the following described real property:

The East 8 ½ feet of Lot 10, all of Lot 11, and the west 8 feet of Lot
12, Block 16, ALTURA PARK, an addition to the City of El Paso,
El Paso County, Texas, known as 3021 Louisville

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Four Hundred Forty Five and 15/100 Dollars (\$445.15).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SIX THOUSAND FIVE HUNDRED FIFTY AND NO/100 DOLLARS (\$6,550.00, Grant Note – \$650.00, Loan Note - \$5,900.00), against the following described real property:

Lot 12, Block 4, ALTO TERRACE SUBDIVISION, an addition to the
City of El Paso, El Paso County, Texas, according to the Map and
Plat of said addition on file in the back of Book 783 of the Deed
Records of El Paso County, Texas, known as 1045 Francine

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Two Hundred Forty Five and 85/100 Dollars (\$245.85).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FOURTEEN THOUSAND AND NO/100 DOLLARS (\$14,000.00, Grant Note – \$1,440.00, Loan Note - \$12,560.00), against the following described real property:

South 40 feet of Lots 17 through 19, and South 40 feet of the East 15 feet of Lot 20, Block 126, HIGHLAND PARK ADDITION, an addition to the City of El Paso, El Paso County, Texas, known as 2615 North Piedras

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **PARKHILL, SMITH & COOPER, INC.**, a corporation, registered in the State of Texas, for a project known as “**San Antonio Avenue Street and Drainage Improvements Phase II**” for an amount not to exceed **ONE HUNDRED TWENTY-THOUSAND AND 00/100 DOLLARS (\$120,000.00)**.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Licensed Coach Operator Trainee** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **3230**. The Grade is **GS 11**.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Airport Security Coordinator** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5318**. The Grade is **PM 79**.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Police Public Information Officer** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5563**. The Grade is **PM 79**.

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*A RESOLUTION PROVIDING FOR THE 2005
GENERAL ELECTION IN THE CITY OF EL PASO,
CALLING FOR AN ELECTION OF OFFICERS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. On Saturday, May 7, 2005, an election will be held in the City of El Paso for the purpose of electing the following named officers of the City of El Paso: a Mayor, Five Judges of the Municipal Courts, the Judge of the Municipal Court of Appeals, and eight District Representatives who are to be elected from Single-Member Districts Nos. 1, 2, 3, 4, 5, 6, 7 and 8.

2. At such election, any candidate for the office of Representative shall file an application for a specific place on the ballot as a candidate from one of the eight single-member representative districts heretofore established by the City Council, such as "Representative, District No. 1," "Representative, District No. 2," "Representative District No. 3," etc. At the polling places in each Representative District the ballot in such election shall show the office of Representative for such district, the district number and the name of each candidate for office; and each Representative shall be elected by the voters in the district in which the person is a candidate.

3. Any candidate for the office of a Judge of the Municipal Court shall file an application for that specific place on the ballot, as "Judge, Municipal Court No. 1," "Judge, Municipal Court No. 2," "Judge, Municipal Court No. 3," etc., and the ballot in such election shall show each office of the Judge of the Municipal Court as a separate office by the municipal court number with the name of each candidate shown thereon under the specific office for which the person is a candidate.

4. Such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

5. The City Clerk of the City of El Paso shall be the clerk for early voting for said City election; and the County Courthouse, 500 E. San Antonio is hereby designated as the main early voting station for such election. In addition, the following branch offices, and/or any additional locations that might be added by the Elections Department, and hours for early voting by personal appearance shall be authorized for such election:

(Early voting shall be held weekdays from Wednesday April 20, 2005, thru Tuesday May 3, 2005 and on Saturday April 30, 2005, only at branches located in shopping areas: b, i, j, m, p, s. The hours for early voting at each early voting location are as noted below.)

- a) Anthony City Hall, 401 Oak St. (8:30 am - 4:30 pm)
- b) Bassett Center, 6101 Gateway West (9:00 am - 6:00 pm)
- c) Borrego Elementary School, 13300 Chicken Ranch Rd. (8:00 am – 5:00 pm)
- d) Burgess Library, 9600 Dyer (9:00 am - 6:00 pm)
- e) Canutillo Elementary School, 651 Canutillo Ave. (8:30 am - 4:30 pm)
- f) Carolina Recreation Center, 563 N. Carolina (9:00 am - 6:00 pm)

- g) Clint Junior High School, 13000 Alameda (8:00 am – 5:00 pm)
- h) Courthouse, 500 E. San Antonio Ave. (8:00 am - 5:00 pm)
- i) Dieter Plaza Shopping Strip, 1605 George Dieter (9:00 am - 6:00 pm)
- j) Festival Crossing, 5380 N. Mesa (9:00 am – 6:00 pm)
- k) Montana Vista Elementary, 3550 Mark Jason (8:00 am – 5:00 pm)
- l) Montwood High School, 1200 Montwood Dr. (8:00 am - 5:00 pm)
- m) Vista Hills Shopping Center, 1840 N. Lee Trevino (9:00 am – 6:00 pm)
- n) Oz Glaze Senior Center, 1396 Veny Web, Horizon (8:00 am - 5:00 pm)
- o) Pavo Real Recreation Center, 9301 Alameda (9:00 am - 6:00 pm)
- p) Promenade Shopping Strip, 7500 N. Mesa (9:00 am - 6:00 pm)
- q) Rogelio Sanchez Center, 1331 N. Fabens St. (9:00 am - 5:00 pm)
- r) Socorro High School, 10150 Alameda (8:00 am - 5:00 pm)
- s) Sunrise Shopping Center, 8500 Dyer (9:00 am - 6:00 pm)
- t) Vinton Village Hall, 436 Vinton Rd. (3:00 pm – 6:00 pm)

In addition, any locations, including mobile voting stations that might be later identified or more clearly identified by the County Elections Department for inclusion or deletion, and their respective hours for early voting by personal appearance, shall be authorized for such election. Applications for early voting by mail shall be submitted to the Early Voting Clerk no earlier than March 8, 2005 and no later than the close of business on April 29, 2005 at the following address:

Ms. Helen Jamison
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, TX 79901

6. The Mayor sign an order appointing election officials and a special canvassing board shall be appointed as provided by law, to count and canvass all early votes and ballots cast at said election.

7. A runoff election shall be held, if required, on Saturday, June 4, 2005, Saturday, June 11, 2005, or other date permitted by the Texas Election Code. Such election, if any, shall be called by the City Council. Early voting dates and sites will be identified if such runoff election shall be held.

8. The terms of office for all officers elected at the General Election, or any runoff election, shall commence on June 14, 2005 or such other date as the City Council may lawfully establish.

9. Electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance and by mail

10. Such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters of the City are authorized to vote.

11. By approving and signing this ordinance, the Mayor officially confirms as his action all matters recited herein which by law come within his jurisdiction.

12. A substantial copy of this ordinance shall serve as proper notice of said election.

13. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish at the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in the official newspaper of the City as required by law.

Ms. Elaine Hengen, Assistant City Attorney, read revisions to the mobile and early voting sites in the resolution into the record.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract between the City of El Paso and Helen Jamison, County Elections Administrator of El Paso County, at an estimated cost of \$106,000.00, to provide election services and equipment for the May 7, 2005 General City Election.

Ms. Lisa Turner, citizen, commented and asked questions.

Representative Cobos commented.

Ms. Richarda Duffy Momsen, City Clerk, commented and responded to the questions.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to **APPROVE** the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and El Paso Independent School District to allow for a joint election on May 7, 2005 for the purpose of sharing the costs.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and Ysleta Independent School District to allow for a joint election on May 7, 2005 for the purpose of sharing the costs.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Subscription Plan Agreement by and between the City of El Paso and LexisNexis, a division of Reed Elsevier Inc., for the continuation of the subscription access to a law enforcement information database for use by the Police Department from April 1, 2005 through March 31, 2006.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit an on-line grant application from the City of El Paso Police Department to the U.S. Department of Justice, Bulletproof Vest Partnership Program, and accept a grant in the amount of \$28,200.00, for the acquisition of 150 bulletproof vests for the El Paso Police Department; and the Mayor be authorized to sign any related paperwork, including all understandings and assurances contained therein; and apply for, accept, reject, alter or terminate the grant and authorize budget transfers. A cash match is required in the amount of \$28,200.00, which will be paid from Confiscated Funds account number 21150060-500231.

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***RESOLUTION**

WHEREAS, the City desires to sponsor the El Paso Police Department's Women in Law Enforcement Conference, a training and educational conference for the community focusing on women in law enforcement and the Boys and Girls Club of El Paso agree to act as Fiscal Agent for the El Paso Police Department.

WHEREAS, Agent is an exempt organization under 501(c)(3) of the Internal Revenue Code.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Fiscal Agent Agreement by and between the City of El Paso and the Boys & Girls Clubs of El Paso.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

R E S O L U T I O N

WHEREAS, the City of El Paso desires to encourage Downtown development, which will benefit the Convention Center and entire City; and

WHEREAS, the City of El Paso seeks authority from the State of Texas in the form of legislation to encourage hotel development in Downtown El Paso, including committing the State's portion of hotel occupancy tax, sales tax, liquor tax and other taxes, specifically generated from the projects developed in the Downtown El Paso area.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso requests the State of Texas to adopt legislation specific to Downtown El Paso with respect to hotel occupancy tax, sales tax, liquor tax, property tax and other taxes, to be used for private and public hotel development in substantial conformity with the proposed law change in Exhibit "A" attached hereto and made a part hereof for all purposes; and

THAT the Legislative Agenda approved, as part of the 2005 City of El Paso Legislative Priorities, by motion of the City Council at its meeting dated November 30, 2004, be amended in the form attached hereto as Exhibit "B," to include the legislation described herein; and

THAT the El Paso State Legislative Delegation and City of El Paso representatives involved in drafting state legislation are expressly requested to do all things necessary, reasonable and appropriate to pass this legislation and have it adopted, on an expedited basis; and

THAT the Governor of the State of Texas is requested to approve passage of this legislation, on an expedited basis.

Mayor Joe Wardy and Representatives Austin, Cobos, Cook, Cushing and Ortega commented.

The following members of the public commented:

1. Mr. Jim Scherr
2. Ms. Lisa Turner
3. Mr. Richard Schechter

The following City staff members commented:

1. Mr. John Nance, Assistant City Attorney, proposed revising the Resolution language to include the amendment to City of El Paso 2005 State Legislative Priorities, Exhibit B and read it into the record
2. Ms. Lisa A. Elizondo, City Attorney

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE AS AMENDED** the above Resolution. (Exhibits A and B on file in the City Clerk's Office)

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign release of liens on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management liens for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
4737 Emory Road	\$ 461.54	\$394.59	\$ 856.13
4737 Emory Road	\$1,066.26	\$667.17	\$1,733.43
4737 Emory Road	\$ 477.30	\$246.93	\$ 724.23
4737 Emory Road	\$1,211.32	\$410.21	\$1,621.53
4737 Emory Road	\$1,126.88	\$189.36	\$1,316.24

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Castro, Juan Carlos - Zoo Keeper

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the following provisional appointments in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

A. Building Inspector (1)
Fund Source: 36010120-01101-36000

B. Welder (1)
Fund Source: 34010291-40403-34000

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for Airport

Add 1.00 Airport Security Coordinator PM 79
Delete 1.00 Airport Operations Officer PM 77
Fund Source: 62620001-40101-62000

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for Engineering

Delete 1.00 Chief Architect EX-G
Fund Source: 35010043-01101-35000

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for Parks & Recreation

Add 1.00 Project Review Coordinator C
Add 1.00 Chief Architect EX-G
Fund Source: 51010256-01101-51095

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for Police

Add 1.00 Police Public Information Officer PM 79
Delete 1.00 Public Affairs Coordinator PM 77
Fund Source: 21010050-01101-21000

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **RE-APPOINT** Eileen Karlsruher to the Tree Board by Representative Jose Alexandro Lozano, District 3.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Jena Camp to the Workforce Retraining Advisory Committee (Regular Member) by Representative Susan Austin, District 1.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Sally Duran to the Workforce Retraining Advisory Committee by Representative Robert A. Cushing, Jr., District 2.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Jose Contreras to the Commission on Border Relations by Representative Jose Alexandro Lozano, District 3.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Oscar V. Perez as a Regular Member to the Zoning Board of Adjustment by Representative John F. Cook, District 4.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Tom Brown to the Public Utility Regulation Board by Representative Presi Ortega, Jr., District 5.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** installation, power, and maintenance of residential street lights at the following locations:

- A. Between 6069 and 6117 Quail Avenue Cost \$464.00
Special Account Number 508036; Project #P540010CTY; Fund #27503, Department #01401010
- B. On an existing pole next to a bus bench, at the intersection of Antler & Sun Valley Cost \$464.00
Special Account Number 508036; Project #P540010CTY; Fund #27503, Department #01401010
- C. Between 10116 and 10112 Matador Street Cost \$899.00
Discretionary Funds (Acct. #504420; Department ID #0101004; Fund #01101)
- D. Between 10054 and 10060 Chick-A-Dee Street Cost \$899.00
Discretionary Funds (Acct. #504420; Department ID #0101004; Fund #01101)
- E. Street Light between 986 & 970 Gloria Cost \$899.00
Dept. ID 01153010, Fund 16507, PD 70428 Acct: # 504420, Class 01001

.....
 *Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following installment agreements for AD VALOREM taxes be **APPROVED** in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #B202-999-000A-0100, \$2,186.28 per month installments on a balance of \$13,117.68 for 2002 & 2003 taxes; Claudia Armenta – 2000 Paisano.
- B. PID #M141-999-0000-2300, \$466.27 per month installments on a balance of \$5,595.24 for 2001, 2002 & 2003 Taxes; Robert & Velia Martinez – 316 Crane Ave.
- C. PID #'s R460-999-0420-0700, #S533-000-0100-1815 & R749-999-0040-5800, \$719.47 per month installments on a balance of \$8,633.64 for 2003 taxes; Arnoldo Alvillar – 6815 Dakota Ridge.
- D. PID #2002-999-2245-0042, \$1,460.18 per month installments on a balance of \$17,522.16 for 2003 taxes; Plastic Molding Technology, Inc. – 11801 Miriam.
- E. PID #H495-000-0000-0255, \$378.56 per month installments on a balance of \$4,542.72 for 1999, 2000, 2001, 2002 & 2003 taxes; Eusebio & Hilaria (CS) Acuna – 3540 Rene.
- F. PID #S533-000-0270-05U0, \$153.27 per month installments on a balance of \$5,517.72 for 2000, 2001, 2002 & 2003 taxes; Fernando & Evangelina Cardenas – 566 Dini Rozi.
- G. PID #S912-999-001F-4650, \$1,495.20 per month installments on a balance of \$11,960.61 for 1999, 2001, 2002 & 2003 taxes; Dick L. Aber - 8605 Mercury.
- H. PID #V893-999-4340-2600, \$374.91 per month installments on a balance of \$4,498.92 for 2002 & 2003 taxes; Mireya M. Rivera – 1698 Leroy Bonse.

.....
 *Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following tax refunds be **APPROVED**:

- A. Jose S. Martinez in the amount of 3,290.53 overpayment of 2004 taxes.
(PID #E014-999-0120-0600)

B. Landamerica Lawyers Title in the amount of \$2,572.91 overpayment of 2004 taxes.
(PID #P863-999-0040-2100)

C. Mark Hedrick in the amount of \$6,806.45 overpayment of 2004 taxes.
(PID #R574-999-0020-0500)

D. Lenders First Choice in the amount of \$3,315.53 overpayment of 2004 taxes.
(PID #S380-999-0220-3100)

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request that the City Council authorize an emergency procurement and that the Mayor or City Manager be authorized to sign a contract with Alpha Southwest, Inc. in the amount of \$259,516.56 for the pump, equipment, labor, and testing of the new water well at the El Paso International Airport Lone Star Golf Course for irrigation purposes (Contract No.2005-134).

The existing well at the golf course had ceased to produce water and it was necessary to drill a new water well. It is now necessary to enter a contract for Phase II of that project, which consists of equipping the well with a pump, surface facilities and well discharge line. Currently, due to the malfunction of the well and until completion of Phase II, the only source of water for irrigation purposes is by use of a fire hydrant.

This procurement is necessary to preserve the public property of the Municipality and is exempt from the competitive bid requirements of Chapter 252 of the Local Government Code, as noted in Section 252.022, General Exemptions.

Department: Aviation
Funds available: PAP0033-41074-62620022-508027
Funding Source: Airport Land Sales Restricted Fund
Total Award: \$259,516.56

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for two additional years, from April 1, 2005 to April 1, 2007 pursuant to the provisions of Contract 2003-069 with Pronto Lube, El Paso, Texas for Maintenance Service (Oil & Lube) Light Duty Vehicles.

OPTION NO.: ONE [OF ONE]

Amount of Award: \$50,000.00 (total two year extension)
Account No.'s: 37370510-503125-45202
Funding Source: Fleet Service Internal Service Fund
Department: Fleet Service

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for two additional years, from April 17, 2007 to April 17, 2009 pursuant to the provisions of Contract 2004-097-C1 with Big Bear Oil Company, El Paso, Texas for Lubricants & Oil.

OPTION NO.: ONE [OF ONE]

Amount of Award: \$130,000.00 (total two year extension)
Account No.'s: 37370510-503125-45202
Funding Source: Fleet Service Internal Service Fund
Department: Fleet Service

*Motion made by Representative Cobos , seconded by Representative Cook and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for one additional year, from April 17, 2007 to April 17, 2008 pursuant to the provisions of Contract 2004-097-C2 with Transmountain Oil Company, El Paso, Texas for Lubricants & Oil.

OPTION NO.: ONE [OF ONE]

Amount of Award: \$15,000.00 (one year extension)
Account No.'s: 37370510-503125-45202
Funding Source: Fleet Service Internal Service Fund
Department: Fleet Service

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-077 City Hall Basement Entry Doors Renovation

Contractor: El Paso A.R.C. Electric, Inc.
El Paso, Texas

Department: Building Maintenance
Funds Available: 31114001-PPWFA03020-27047-508027
Funding Source: 1994 C.O.
Items: Base Bid \$61,288.00
Total Award: \$61,288.00

The Departments of Engineering and Building Maintenance recommend the award of this contract to El Paso A.R.C. Electric, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Bid Solicitation No. 2005-059 Zoo Housing Demolition

Contractor: Robles and Sons, Inc.
Cibolo, Texas

Department: Zoo
Funds Available: 14101003-PQLZO103-60303-508027
Funding Source: 2000 Quality of Life Bond
Items: Base Bid \$49,725.00
Total Award: \$49,725.00

RECOMMENDATION:

The Zoo and Perspectiva +3D/I, Project Manager, recommend the award of this contract to Robles and Sons, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

.....
 *Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to
AWARD Bid Solicitation No. 2005-086 Drug Testing and Alcohol Screening

Award to: Kroll Laboratory Specialists
 Gretna, LA
 Item (s): All
 Amount: \$45,150.00 (annual estimate)

 Department: Human Resources
 Funds available: Various
 Funding source: Various
 Total award: \$180,600.00 (estimate)

The Human Resources and Purchasing Departments recommend award as indicated as this vendor has provided the low, responsive, responsible bid meeting specifications.

This is a requirements contract with a term of Forty-Eight (48) months.

.....
 *Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to
APPROVE budget transfer BT2005-596 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$311,070 to the Alabama Street and Drainage project. Funding source is reimbursed expenditures from EPWU.

Increase	\$311,070.00	to	31255008/PBE04ST10227695/405067	ReimbExpend
Increase	\$311,070.00	to	31255008/PBE04ST10227695/508027	Construction

.....
 *Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to
APPROVE budget transfer BT2005-601 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$122,012.59 from General Street Improvements project for District 6 to a sub-project called Montwood Median Improvements to track the sub-project in PeopleSoft. There is no increase to the project budget.

Increase	\$ 175.00	to	14200403/PBE04ST109A29124/508022	Administration
Increase	\$ 1,903.91	to	14200403/PBE04ST109A29124/508026	Inspections
Increase	\$ 1,903.91	to	14200403/PBE04ST109A29124/508024	Testing
Increase	\$104,715.15	to	14200403/PBE04ST109A29124/508027	Construction
Increase	\$ 1,903.91	to	14200403/PBE04ST109A29124/508051	ProgramMgmt
Increase	\$ 11,410.71	to	14200403/PBE04ST109A29124/508016	CntractlDesg
Decrease	\$122,012.59	from	14200403/PBE04ST10929124/508027	Construction

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-602 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$49,874.23 from fund 60612 in the Zaragosa Bridge Restrooms project to fund 60664 in the same project. Fund 60612 belongs to the CBD Phase III project and this budget transfer will correct this error. There is no increase to the project budget.

Decrease	\$ 2,500.00	from	31260001/PPWBR0300460612/508021	CityEngChg
Decrease	\$ 2,500.00	from	31260001/PPWBR0300460612/508022	Administration
Decrease	\$ 2,500.00	from	31260001/PPWBR0300460612/508024	Testing
Decrease	\$ 2,500.00	from	31260001/PPWBR0300460612/508026	Inspections
Decrease	\$34,874.23	from	31260001/PPWBR0300460612/508027	Construction
Decrease	\$ 5,000.00	from	31260001/PPWBR0300460612/508050	Design
Increase	\$49,874.23	to	31260001/PPWBR0300460612/507001	Intrafd Trf (U)
Increase	\$49,874.23	to	31260001/PPWBR0300460664/407001	Intrafd Trf (S)
Increase	\$ 1,000.00	to	31260001/PPWBR0300460664/508024	Testing
Increase	\$ 3,000.00	to	31260001/PPWBR0300460664/508026	Inspections
Increase	\$44,874.23	to	31260001/PPWBR0300460664/508027	Construction
Increase	\$ 1,000.00	to	31260001/PPWBR0300460664/508022	Administration

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-603 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$16,125.77 to the Zaragosa Bridge Restrooms project to fund construction. Funding source is 1989 Revenue Bonds.

Increase	\$16,125.77	to	32000082/PPWBR0300443001/407002	Est Rev
Increase	\$16,125.77	to	32000082/PPWBR0300443001/508027	Construction

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-635 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$134,822 to the Cedar Grove Phase 11-12 project. Funding source is reimbursed expenditures from EPWU.

Increase	\$134,822.00	to	31255008/PBE04ST10627695/405067	ReimbExp
Increase	\$134,822.00	to	31255008/PBE04ST10627695/508027	Construction

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** budget transfer BT2005-638 BUILDING AND PLANNING SERVICES.

Ms. Lisa Turner, citizen, commented.

Mayor Joe Wardy and Representatives Cobos and Austin commented.

The following City staff members commented:

1. Ms. Patricia Adauto, Deputy City Manager for Building and Planning Services
2. Dr. Norman Merrifield, Director of Parks and Recreation

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-638 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$8,846.45 within the Paul Harvey project to fund final invoices. Funding source is 2000 QOL bonds.

Decrease	\$6,894.26	from	31130500/PPW004601926260/508027	Construction
Decrease	\$1,952.19	from	31130500/PPW004601926260/508050	Design
Increase	\$8,846.45	to	31130500/PPW004601926260/507001	Intrfd Trf (U)
Increase	\$8,846.45	to	31130550/PPW004601960025/407001	Intrfd Trf (S)
Increase	\$8,846.45	to	31130550/PPW004601960025/508027	Construction

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** budget transfer BT2005-646 BUILDING AND PLANNING SERVICES

Mayor Joe Wardy and Representatives Lozano and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Debbie Hamlyn, Deputy City Manager for Quality of Life Services

Motion made by Representative Ortega, seconded by Representative Escobar and unanimously carried to **APPROVE AS REVISED** budget transfer BT2005-646 BUILDING AND PLANNING SERVICES

Representative Rojas was not present for the vote.

Building and Planning Services proposes to appropriate \$145,000 to fund rehabilitation of Cohen Stadium in accordance with lease agreement. Rehabilitation improvements include building and structure improvements, handicap accessibility, electrical, plumbing, mechanical improvements, installation of safety railing and repairs to the existing score board. Funding source is 1994A COs.

Decrease	\$ 70,000.00	from	31114001/P50131327042/508010	DataProcEq
Decrease	\$ 75,000.00	from	31114001/P50131327042/508027	Construction
Increase	\$145,000.00	to	31114001/P50131327042/507001	Intrafd Trf (U)
Increase	\$145,000.00	to	31114001/PPA0500127042/407001	Intrafd Trf (S)
Increase	\$ 5,000.00	to	31114001/PPA0500127042/508022	Administration
Increase	\$140,000.00	to	31114001/PPA0500127042/508027	Construction

NOTE: Request was revised to "repairs to the existing score board".

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the following Building Permits and Inspections - refund:

Business License refund to Joe Tellez in the amount of \$2,155.00.
Funding Source: Account 36010119-404020

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Special Olympics Texas to hold a 2-mile and 8k-law enforcement torch run on March 6, 2005 from 6:00 a.m. to 1:00 p.m. Route for the 2 mile run: Start at the corner of Cincinnati and Stanton, proceed on Cincinnati to Kansas, turn right on Kansas to Kerbey, turn left on Kerbey to Rim Rd.; proceed on Rim Rd. to Robinson, turn left on Robinson to Coffin, turn right on Coffin to Cincinnati, and finish at Stanton and Cincinnati. Route for the 8k run: Start at the corner of Cincinnati and Stanton, proceed on

Cincinnati to Kansas, turn right on Kansas to Hague, turn left on Hague to Rim Rd. turn right on Rim Rd. to Scenic Dr. proceed on Scenic Dr. to the top, turn around at top of Scenic Dr. and continue back down on Scenic Dr. to Robinson, turn left on Robinson to Coffin, turn right on Coffin to Cincinnati, turn left on Cincinnati and finish at the corner of Cincinnati and Stanton. Approximately 300 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 p.a. system). PERMIT NO. 05-006 [Ralph Rodriguez]

.....
Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 18 (Building and Construction) of the El Paso City Code, by revising Chapter 18.02 Building and Construction Administrative Code), to eliminate the local electrical licensing requirement for persons, firms or corporations holding an electrical license issued by the state in accordance with Texas Occupations Code, Title 8, Chapter 1305.
- B. An Ordinance providing for the issuance and sale of \$48,000,000 City of El Paso, Texas, Water and Sewer Revenue Bonds, Series 2005-A, for the purpose of improving and extending the City's water and sewer system and paying the costs related to the issuance of the bonds; approving a purchase contract; approving an official statement; and enacting provisions related thereto.

PUBLIC HEARING WILL BE HELD ON MARCH 1, 2005 FOR ITEMS A – B

- D. An Ordinance granting Special Permit No. ZON04-00144, to allow for a planned residential development on a portion of H. G. Foster Surveys No. 257, 258, and 262, El Paso, El Paso County, Texas pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: EP Park Hills II, Ltd.
- E. An Ordinance changing the zoning of a portion of Lot 1, Block 71, West Hills Unit 21, El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: River Oaks Properties, Ltd. ZON04-00150

PUBLIC HEARING WILL BE HELD ON MARCH 8, 2005 FOR ITEMS D – E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
Item: Introduction of an Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code by amending Chapter 19.16 (Improvement Standards and Design Principles) Section 19.16.050 (Stormwater Design) Subsection 19.16.050.H (Preservation of Natural Arroyos) to require that the City Plan Commission determine whether to approve a modification of conditions to allow improvements on natural drainage courses known as arroyos. The penalty is as provided in Section 19.04.190 of the Code.

Representative Austin amended the Ordinance language.

Representatives Cushing, Cobos and Lozano commented.

The following City staff members commented:

1. Ms. Patricia Adauto, Deputy City Manager for Building and Planning Services
2. Mr. Rick Connor, City Engineer
3. Ms. Joyce Wilson, City Manager

1st Motion:

Motion made by Representative Austin, seconded by Representative Rojas and carried to amend the ordinance for introduction.

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Lozano

2nd and Final Motion:

Motion made by Representative Austin, seconded by Representative Cushing and carried that the following Ordinance as **AMENDED**, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

AYES: Representatives Austin, Cushing, Ortega, Escobar, Rojas and Cobos

NAYS: Representatives Lozano and Cook

An Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code by amending Chapter 19.16 (Improvement Standards and Design Principles) Section 19.16.050 (Stormwater Design) Subsection 19.16.050.H (Preservation of Natural Arroyos) to require that the City Plan Commission determine whether to approve a modification of conditions to allow improvements on natural drainage courses known as arroyos. The penalty is as provided in Section 19.04.190 of the Code.

PUBLIC HEARING WILL BE HELD ON MARCH 1, 2005

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
 *Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on a Resolution that the Mayor be requested to execute an Ordinance for the City of El Paso to initiate an R-3 Zoning in each of the four parcels of land which the El Paso Water Utilities has just released for development in Northeast El Paso; that all parcels of land be limited from any commercial development; that all parcels of land be developed as per the City of El Paso Master Plan for Northeast El Paso, and that only two parcels of land, Parcel A & D, be considered for any multi-family dwellings.

.....
NO ACTION WAS TAKEN regarding the discussion and action to determine the status of the review and investigation into proposals concerning the regulation and disposal of "Fats, Oils, Grease" (FOG's) as previously directed to the City Manager.

Mayor Joe Wardy and Representatives Lozano, Cushing, and Cobos commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Lisa Hayes, Assistant City Attorney
3. Ms. Ellen Smyth, Director of Solid Waste Management
4. Mr. Ed Archuleta, General Manager El Paso Water Utility and Public Service Board

The following members of the public commented:

1. Ms. Pam Aguirre, Texas Commission on Environmental Quality
2. Ms. Lisa Turner

.....
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-636 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$1,182,401 to the Cedar Grove Phase 1-9 project. Funding source is reimbursed expenditures from EPWU.

Increase	\$1,182,401.00	to	31255008/PBE04ST10727695/405067	ReimbExp
Increase	\$1,182,401.00	to	31255008/PBE04ST10727695/508027	Construction

Representatives Ortega and Cobos were not present for the vote.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **REJECT ALL BIDS** for Bid No. 2005-061 Proprietary Parts & Service-Trane HVAC Systems as recommended by the Purchasing and Fleet Service Department.

This requirement will be reviewed by the user department, a new solicitation will be issued at a later time.

.....
Motion made by Representative Ortega, seconded by Representative Cobos and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-048 Fire Station No. 33

Contractor:	Blair-Hall Co. Inc. El Paso TX
Department:	Fire
Funds Available:	14200404-PBE04FI103-29160-508027
Funding Source:	2004 Bond Election
Items:	Base Bid I \$1,146,000.00
	Base Bid IA \$ 1,002.00
	Alternate #1 \$ 112,600.00
	Alternate #2 \$ 3,100.00
	Alternate #3 \$ 8,100.00
	Alternate #4 \$ 5,400.00
	Alternate #5 \$ 4,100.00
Total Award:	\$1,280,302.00

RECOMMENDATION:

The Departments of Engineering and Fire recommend the award of this contract to Blair-Hall Co. Inc., as this Offeror has provided the Best Value Proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

.....
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **AWARD** Bid Solicitation No. 2005-031 San Antonio Ave. Street & Drainage Improvements

Contractor:	Southwest Growth Corporation
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El Paso, Texas

Department:	Street Department
Funds Available:	71150069-G7129CD0034-07787-508027
Funding Source:	Community Development
Items:	Base Bid I \$455,000.00
	Base Bid II \$ 15,000.00
	Base Bid III \$ 78,910.00
	Base Bid IV \$ 34,225.00
	Alternate I \$110,000.00
	Alternate II \$ 38,000.00
	Alternate III \$ 24,000.00
	Alternate IV \$ 4,000.00
	Alternate V \$ 4,000.00
	Alternate VI \$ 80,000.00
Total Award:	\$843,135.00

RECOMMENDATION:

The Departments of Engineering and Street recommend the award of this contract to Southwest Growth Corporation, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE EIGHT (8) WEEKS** the public hearing to determine if the property located at 5763 Alameda Avenue (Rear of store and rear apartments), in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated August 16th, 2004. The owner of this property, Gerardo Aguirre, 9850 Staubach Drive, El Paso, Texas 79927, has been notified of the violations at this property.
.....

ORDINANCE 15998

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO (ADMINISTRATION AND PERSONNEL), BY ADDING A NEW CHAPTER 2.38 (BUILDING AND STANDARDS COMMISSION), AUTHORIZED BY TEXAS LOCAL GOVERNMENT CODE §54.043, TO HEAR AND DETERMINE CASES CONCERNING VIOLATIONS OF CHAPTER 18.50 OF THE MUNICIPAL CODE WITHOUT FURTHER APPEAL TO CITY COUNCIL; THE CIVIL PENALTY FOR VIOLATION OF A COMMISSION ORDER NOT TO EXCEED ONE-THOUSAND DOLLARS (\$1,000.00) PER DAY PER VIOLATION FOR NON-HOMESTEAD PROPERTY AND (\$10.00) PER DAY PER VIOLATION FOR HOMESTEAD PROPERTY AS PROVIDED IN SECTION 2.38.110 OF THE MUNICIPAL CODE.**

Mayor Joe Wardy and Representatives Cook, Austin, Lozano, Escobar and Rojas commented.

The following City staff members commented:

1. Mr. Thomas Maguire, Building Permits and Inspections, gave a Powerpoint presentation (on file in the City Clerk's office).
2. Mr. Alan Shubert, Director of Building Permits and Inspections

Mr. Richard Schechter, citizen, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Rojas, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Cook, Ortega, Escobar, Rojas and Cobos
NAY:	Council Member Lozano
Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 15999

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION) OF THE EL PASO MUNICIPAL CODE, BY DELETING CHAPTER 18.52 (UNSAFE STRUCTURES AND CONDITIONS) AND CREATING CHAPTER 18.50 (PROPERTY MAINTENANCE CODE), AND ADOPTING THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE TO PROVIDE MINIMUM REQUIREMENTS AND STANDARDS FOR THE USE, OCCUPANCY AND MAINTENANCE OF EXISTING STRUCTURES AND PREMISES. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF NO MORE THAN TWO-THOUSAND DOLLARS (\$2,000.00) PER DAY PER VIOLATION.**

Representatives Cook, Austin and Lozano commented.

Mr. Thomas Maguire, Building Permits and Inspections, answered questions of the Representatives and commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar and Rojas
NAYS: None Absent: None

Representative Cobos was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried to **POSTPONE FOUR (4) WEEKS AS REVISED** the discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Richard L. Moore and A. Elizabeth Moore amending the zoning contract dated September 16, 1969 and as imposed by Ordinance No. 4271 to delete a condition for the property described as Lot 1, Block 1, Alta Mira Addition, El Paso, El Paso County, Texas. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E. Maxwell. ZON04-00145.

Representative Escobar was not present for the vote.

NOTE: The applicant's last name was revised from "Maxell" to "Maxwell".

.....
Motion made by Representative Cushing, seconded by Representative Cook and carried to **DENY** an Ordinance changing the zoning of Lots 1 and 24, Block 1, Alta Mira Addition, El Paso, El Paso County, Texas, from A-O/sc (Apartment/Office/special contract) and R-4 (Residential) to C-1/sc (Commercial/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E & Arlette Maxwell. ZON04-00142.

AYES: Representatives Austin, Cushing, Cook, Escobar, Rojas and Cobos
NAYS: Representative Ortega
ABSTAINED: Representative Lozano

NOTE: The applicant's last name was revised from "Maxell" to "Maxwell".

Mayor Joe Wardy and Representatives Austin, Cobos, Cushing, Ortega, Lozano, Rojas, and Cook commented.

The following City staff members commented:

1. Mr. Rudy Valdez, Chief Urban Planner
2. Mr. Matt Watson, Assistant City Attorney

The following members of the public spoke in opposition to the zoning change request:

1. Mr. Jose Jimenez
2. Mr. Guadalupe Martinez, Jr.
3. Mr. AJ Morris

The following members of the public spoke in favor of the zoning change request:

1. Dr. Willis E. Maxwell, applicant
2. Mr. Roland Correa
3. Mr. Conrad Conde, representing the applicant.

The City Clerk called for further public comment. There was no further public comment.

.....
RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. ZON04-00112, FOR A PORTION OF TRACT 3A, A. F. MILLER SURVEY NO. 210 EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO A SPECIAL CONTRACT IMPOSED BY ORDINANCE NO. 7982. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, EP Northeast Hills I, Ltd. (the "Applicant") has applied for approval of a detailed site development plan pursuant to a special contract imposed by Ordinance No. 7982, to permit the construction and development of apartments; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to a special contract made pursuant to Ordinance No. 7982, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of apartments on the following described property which is located in a **C-3/sc (Commercial/special contract) District**:

A portion of Tract 3A, A. F. Miller Survey No. 210, El Paso, El Paso County, Texas.

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-3/sc (Commercial/special contract) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-3/sc (Commercial/special contract) District**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and commented.

Representative Austin commented.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

.....
City Manager's report of current events and issues:

1. Update of Capital Improvements Program, including capital project status (all funds) and 10-year plan development.
2. Update on the Third Party Subdivision Improvement Plan Review and Inspection ordinance.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **POSTPONE ONE (1) WEEK** the City Manager's report of current events and issues:

1. Update of Capital Improvements Program, including capital project status (all funds) and 10-year plan development.

NO ACTION WAS TAKEN on item #2 - update on the Third Party Subdivision Improvement Plan Review and Inspection ordinance.

Ms. Joyce Wilson, City Manager, updated the Council Members on the third party subdivision plan review and answered questions from Council Members.

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve budget transfer BT2005-675 OFFICE OF MANAGEMENT AND BUDGET

To set up appropriation as required from TIF for land use Master Plan.

Increase	\$200,000.00	to	72509501/P95000151001/407002	Est Rev
Increase	\$200,000.00	to	72509501/P95000151001/508028	Prj Consult

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to delete the discussion and action on the following Executive Session item:

Chris Jennings, et. al. vs. The City of El Paso, et. al.; Cause No. EP-03-CA-0286-KC in the United States District Court for the Western District of Texas. (551.071)

.....
Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:40 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Representative Cobos was not present for the vote.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- B.** Discussion and action regarding the condemnation of certain property to acquire an easement to permit crossing over a water conveyance channel on or near Tracts 1F and 1J, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas. (551.071 & 551.072)
- C.** Discussion and action regarding the condemnation of certain property to acquire an easement to permit crossing over a water conveyance channel on or near Tract 3B, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas. (551.071 & 551.072)

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 2:07 p.m., during which time motions were made.

Representative Cobos was not present for the vote.

.....
Motion made Representative Escobar, seconded by Representative Austin and unanimously carried that the City Attorney's Office be authorized to proceed as recommended regarding the condemnation of certain property to acquire an easement or other crossings rights to permit crossing over a water conveyance channel on or near Tracts 1f and 1j, block 10, Upper Valley Surveys, El Paso, El Paso County, Texas, and to negotiate and execute agreements with Ranchos Real VIII, Ltd., for reimbursement of the City's legal expenses and acquisition price for the crossing rights.

Representative Cobos was not present for the vote

.....
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the City Attorney's Office be authorized to proceed as recommended regarding the condemnation of certain property to acquire an easement or other crossings rights to permit crossing over a water conveyance channel on or near Tract 3B, block 10, Upper Valley Surveys, El Paso, El Paso County, Texas, and to negotiate and execute agreements with Ranchos Real VIII, Ltd., for reimbursement of the City's legal expenses and acquisition price for the crossing rights.

Representative Cobos was not present for the vote.

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Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 2:10 p.m.

Representative Cobos was not present for the vote

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk